

RESOLUTION NO. 08-7553

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, AMENDING CITY OF SANTA
CLARA MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS
REGARDING UTILITY SERVICES IN THE CITY
OF SANTA CLARA**

**BE IT RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS
FOLLOWS:**

WHEREAS, the City of Santa Clara, California ("City") provides electric, water, and refuse utility services ("Utilities") to residential, commercial, institutional and industrial customers within the corporate City limits of the City of Santa Clara; and

WHEREAS, the City Council previously adopted Resolution Number 7083 and Ordinance No. 1787, on November 4, 2003, which established the authority [SCCC 13.05.070] to enact and amend the City of Santa Clara Municipal Services Division, Utility Services Rules and Regulations; and,

WHEREAS, the amendments to the Rules and Regulations are necessary to allow the City to bring them up to date and correct technical deficiencies and omissions while maintaining the ability to reduce the risks due to failure of its customers to pay their utility bills; and

WHEREAS, the City's Utilities continue to provide value and service to the City of Santa Clara and its customers through the adoption of these amendments to the Rules and Regulations; and

WHEREAS, the attached Rules and Regulations regarding utility service have been drafted by the authority given to the City Manager pursuant to City Charter Section 803; and

WHEREAS, the City finds and determines that the provisions in this Resolution are exempt from environmental review under the California Environmental Quality Act Guidelines Section 15378 (b)(3) of the State CEQA Guidelines implementing the California Environmental Quality Act of 1970 as amended.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:

1. Adoption of Amendments to Utility Rules and Regulations. That the following new City of Santa Clara Rules and Regulations are hereby adopted, as amended from time to time, adding Section 6.L Closed Account Collection Activity – Write Off and Section 6.M Miscellaneous Collection Activity – Write Off, to alter the process for writing off uncollectible accounts and is amended to read as follows:

6.L CLOSED ACCOUNT COLLECTION ACTIVITY – WRITE OFF

6.L.1 The outside collection agency may deem an account uncollectible after a two (2) year collection period has expired. Any unpaid charges will be flagged by the collection agency as uncollectible and the Director of Finance or his/her designee will simultaneously e off the Utility Billing System.

6.L.2 In the event charges are collected on a closed account deemed uncollectible, the account will be reinstated for the amount of payment.

6.M MISCELLANEOUS COLLECTION ACTIVITY – WRITE OFF

6.M.1 An account with a credit balance < \$5.00 will be written off by the Director of Finance or his/her designee.

6.M.2 An account with a debit balance of < \$5.00 will be written off by the Director of Finance or his/her designee.

6.M.3 The Director of Finance or his/her designee may waive Municipal Service-related NSF fees and/or late fees if sufficient evidence has been presented to warrant extenuating circumstances.

2. Effective Date. That the terms and provisions of the Rules and Regulations referred to herein regarding utility service be adopted and effective immediately.

3. Remaining Rules and Regulations Unchanged. All other terms and provisions of the Utility Rules and Regulations which are not in conflict with the provisions of this Resolution shall remain unchanged in full force and effect and in case of a conflict in the terms, the provisions of this Resolution shall control.

4. Public Inspection. That a true and correct copy of this Resolution and amendment to the Municipal Services Division, Utility Services Rules and Regulations shall be kept on file in the Office of the City Clerk until replaced with any future Resolution and amendments to the Municipal Service Utility Services Rules and Regulations by the City Council shall be open to public investigation and inspection during the regular hours of such offices.

5. Savings Clause. The terms and provisions of the Municipal Services Division Utility Rules and Regulations adopted in this Resolution shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this Resolution; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this Resolution.

///

///

///

///

///

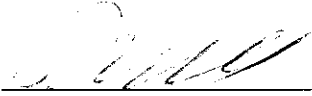
///

///

6. Constitutionality; Severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 26th DAY OF AUGUST, 2008, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: 
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA